

**RESPONSE UNDER
37 C.F.R. §1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 1635**

Dkt. 1747/55672-A-PCT-US/JPW/AJM/BJA

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gloria C. Li et al.
U.S. Serial No.: 09/750,410 Examiner: Jane Zara
Filed : December 28, 2000 Group Art Unit: 1635
For : USES OF DNA-PK
1185 Avenue of the Americas
New York, New York 10036
December 26, 2006

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed June 26, 2006 finally rejecting pending claims 1, 15, 16 and 18-22 in the above-identified application.

Applicants are concurrently filing an Amendment in Response to June 26, 2006 Final Office Action and Petition for a Three-Month Extension of Time. Accordingly, this Notice of Appeal is being timely filed.

The required fee set forth in 37 C.F.R. §1.17(b) for filing a Notice of Appeal for a small entity is TWO HUNDRED AND FIFTY DOLLARS (\$250.00), and a check in this amount is enclosed. Applicants have previously established small entity status.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$250.00 fee, is deemed necessary in connection with the filing of this Notice of Appeal. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450.

12/26/06
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